

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	)	Bky. Case No. 23-60306
	)	Chapter 7
Donald Lynn Hunt,)	
Janell Elodie Hunt,)	
)	
Debtors.)	
_____)	
)	
Gene W. Doeling as Bankruptcy Trustee,	)	NOTICE OF HEARING AND
	)	MOTION FOR DEFAULT JUDGMENT
Plaintiff,)	
v.)	
)	
Donald Noah Dimitrius Hunt,)	
)	
Defendant.	)	Adversary No. 23-06012
_____)	

Gene W. Doeling, Plaintiff, by and through his undersigned attorney, hereby moves for a default judgment to be entered against Donald Noah Dimitrius Hunt, Defendant, on the following grounds:

1. A hearing will be held at 9:00 a.m. Wednesday, January 31, 2024 before the United States Bankruptcy Court, Courtroom 2, 118 Mill Street, Fergus Falls, Minnesota.
2. Any response to this motion must be filed and delivered not later than Wednesday, January 24, 2024, which is seven days before the time set for the hearing (excluding holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
3. On November 29, 2023, the Plaintiff filed a complaint under Fed. R. Bankr. P. 7001(1) seeking a money judgment against the Defendant pursuant to 11 U.S.C. § 548.
4. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334, and Fed. R. Bankr. P. 4004. This proceeding is a core proceeding.

5. The Summons was issued on November 29, 2023 by the United States Bankruptcy Court, District of Minnesota, directing the Defendant to file an answer with the Court within thirty days after the date the summons was issued. (Doc. 3.) On November 29, 2023, the Plaintiff mailed the summons and complaint to the Defendant. (See Doc. 4).
6. An answer to the complaint was due on December 29, 2023. See Fed. R. Bankr. P. 7012(a).
7. To date, the Defendant has not served on Plaintiff or filed an answer to the complaint.
8. The Plaintiff made the factual allegations described in his verified complaint (Doc. 1).
9. The Plaintiff requests that the Court issue an order granting the motion for default judgment and entering the judgment.

Dated this 3rd day of January, 2024.

/e/ Gene W. Doeling
Gene W. Doeling
Attorney for Plaintiff
KALER DOELING PLLP
3429 Interstate Blvd. S.
P.O. Box 9231
Fargo, ND 58106-9231
(701) 232-8757
MN Attorney No. 242329

Verification. I, Gene W. Doeling, the Plaintiff herein, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Executed on January 3, 2024

Signed: /e/ Gene W. Doeling
Gene W. Doeling
Attorney for Plaintiff
KALER DOELING PLLP
3429 Interstate Blvd. S.
P.O. Box 9231
Fargo, ND 58106-9231
(701) 232-8757
MN Attorney No. 242329

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	)	Bky. Case No. 23-60306
	)	Chapter 7
Donald Lynn Hunt,)	
Janell Elodie Hunt,)	
)	
Debtors.)	
_____)	
)	
Gene W. Doeling as Bankruptcy Trustee,	)	UNSWORN DECLARATION
	)	OF DEFAULT
Plaintiff,)	
v.)	
)	
Donald Noah Dimitrius Hunt,)	
)	
Defendant.	)	Adversary No. 23-06012
_____)	

I, Gene W. Doeling, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the attorney of record for the Plaintiff in the above-entitled adversary proceeding.
2. I make this declaration pursuant to Local Rule 7055-1(a).
3. The Court issued a summons on November 29, 2023. (Doc. 3). The Plaintiff mailed the complaint and summons to the Defendant on November 29, 2023. (See Doc. 4). The summons and complaint were mailed to the address on file with the bankruptcy court for the Defendant, 319 Central Ave. SE, Unit #1, Bemidji, MN 56601.
4. To date, the Plaintiff has not been served with an answer by the Defendant. The deadline to file an answer to the complaint was December 29, 2023.
5. I have not received any other defense or response to the complaint from the Defendant since the complaint was filed.

This concludes my Declaration.

Dated this 3rd day of January, 2024.

/e/ Gene W. Doeling
Gene W. Doeling
Attorney for Plaintiff

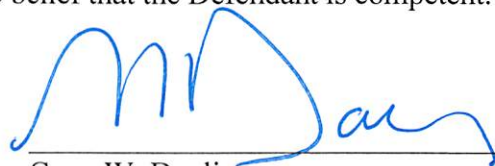
**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	)	Bky. Case No. 23-60306
	)	Chapter 7
Donald Lynn Hunt,)	
Janell Elodie Hunt,)	
)	
Debtors.)	
_____)	
)	
Gene W. Doeling as Bankruptcy Trustee,	)	UNSWORN DECLARATION
	)	OF IDENTIFICATION
Plaintiff,)	
v.)	
)	
Donald Noah Dimitrius Hunt,)	
)	
Defendant.	)	Adversary No. 23-06012
_____)	

I, Gene W. Doeling, being duly sworn under oath, state that:

1. I am employed as an attorney for the Trustee.
2. I am the attorney of record for the Trustee in the above-entitled adversary proceeding.
3. The name and address of the Defendant, as provided by the Debtors to the Trustee, is the following: Donald Noah Dimitrius Hunt, 319 Central Ave. SE, Unit #1, Bemidji, MN 56601.
4. Upon information and belief, the Defendant is not an infant and is not employed by a military organization.
5. Based on the foregoing, the Trustee is of the belief that the Defendant is competent.

Dated: January 3, 2024



Gene W. Doeling
KALER DOELING PLLP
Attorney for Bankruptcy Trustee
PO Box 9231
Fargo, ND 58106-9231
701-232-8757

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	)	Bky. Case No. 23-60306
	)	Chapter 7
Donald Lynn Hunt,)	
Janell Elodie Hunt,)	
)	
Debtors.)	
_____)	
)	
Gene W. Doeling as Bankruptcy Trustee,	)	UNSWORN DECLARATION ON
	)	THE MERITS AND AMOUNT DUE
Plaintiff,)	
v.)	
)	
Donald Noah Dimitrius Hunt,)	
)	
Defendant.	)	Adversary No. 23-06012
_____)	

I, Gene W. Doeling, declare under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the attorney of record for the plaintiff in the above-entitled adversary proceeding.
2. A money judgment in the amount of \$2,638.59 has been requested in this adversary proceeding.

Dated this 3rd day of January, 2024.

/e/ Gene W. Doeling
Gene W. Doeling
Attorney for Plaintiff

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	)	Bky. Case No. 23-60306
	)	Chapter 7
Donald Lynn Hunt,)	
Janell Elodie Hunt,)	
)	
Debtors.)	
_____)	
)	
Gene W. Doeling as Bankruptcy Trustee,	)	PROPOSED FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, AND
Plaintiff,	)	ORDER FOR JUDGMENT
v.)	
)	
Donald Noah Dimitrius Hunt,)	
)	
Defendant.	)	Adversary No. 23-06012
_____)	

The Plaintiff's motion for default judgment is before the Court. Based on the motion and supporting documents, the Court makes the following:

FINDINGS OF FACT¹

1. Gene W. Doeling is the bankruptcy trustee appointed in the bankruptcy case of Donald Lynn Hunt and Janell Elodie Hunt.
2. The Chapter 7 bankruptcy case is captioned In re Donald Lynn Hunt and Janell Elodie Hunt, case number 23-60306, Bankr. D. Minn., and it remains open.
3. The trustee brought this action to avoid a transfer made by the Debtors to the Defendant pursuant to 11 U.S.C. § 548 and recover the value of said transfer. The Court has jurisdiction over this matter pursuant to U.S.C. § 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157.

¹ To the extent the following Findings of Fact contain legal conclusions, those shall be deemed Conclusions of Law, and to the extent the following Conclusions of Law contain factual findings, those shall be deemed Findings of Fact.

4. The Defendant is the Debtors' grandson, who is a resident of the State of Minnesota.

5. The Debtors, on or about May 31, 2022, purchased a 2022 Marin Rift Zone bike and accessories from Muddy Bikes for \$2,638.59 which they then transferred to the Defendant.

6. The Debtors did not receive reasonably equivalent value in exchange for this transfer.

7. The Debtors were insolvent at all times or became insolvent as a result of such transfer.

CONCLUSIONS OF LAW

1. This Court has jurisdiction over this adversary proceeding pursuant to 28 U.S.C. §§ 157 and 1334. This proceeding is a core proceeding.

2. The trustee has standing to commence this adversary proceeding pursuant to 11 U.S.C. § 548.

3. On or about May 2022 the Debtors made the transfer of items purchased in the amount of \$2,638.59 from Muddy Bikes to the Defendant. The Debtors made this transfer for Defendant's benefit, and possibly other unknown transfers/payments, within the two years preceding the filing of the bankruptcy petition, and the Debtors received less than a reasonably equivalent value in exchange for the transfer, made the transfer when they were insolvent, or they became insolvent as a result of the transfer. Pursuant to 11 U.S.C. § 548, and § 551 the Plaintiff, as trustee for the bankruptcy estate, is entitled to avoid the transfer alleged and recover the \$2,638.59 of value transferred to the Defendant Donald Noah Dimitrius Hunt.

ORDER FOR JUDGMENT

IT IS THE ORDER OF THE COURT that default judgment shall be granted the Plaintiff for

the relief requested in his complaint. Specifically, judgment should be entered ordering the Defendant to pay to the bankruptcy estate the amount of the transfer of not less than \$2,638.59, plus court costs of \$350, for a total judgment amount of \$2,988.59.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated:

Michael E. Ridgway
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:	)	Bky. Case No. 23-60306
	)	Chapter 7
Donald Lynn Hunt,)	
Janell Elodie Hunt,)	
)	
Debtors.)	
_____)	
)	
Gene W. Doeling as Bankruptcy Trustee,	)	AFFIDAVIT OF SERVICE BY MAIL
)	
Plaintiff,)	
v.)	
)	
Donald Noah Dimitrius Hunt,)	
)	
Defendant.	)	Adversary No. 23-06012
_____)	

I, Heather Christ, being first duly sworn and under oath, depose and say: I am of legal age, a citizen of the United States and not a party to the action herein; that on the 3rd day of January, 2024, I served the following documents:

**NOTICE OF HEARING AND MOTION FOR DEFAULT JUDGMENT, UNSWORN
DECLARATION OF DEFAULT, UNSWORN DECLARATION OF IDENTIFICATION,
UNSWORN DECLARATION ON THE MERITS AND AMOUNT DUE, AND PROPOSED
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR JUDGMENT**

on the persons listed below by placing a true and correct copy of said documents in an envelope addressed as follows:

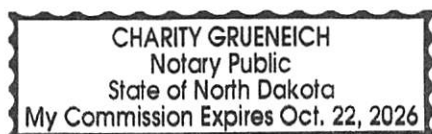
Donald Noah Dimitrius Hunt
319 Central Ave. SE, Unit #1
Bemidji, MN 56601


and deposited same, with postage fully prepaid thereon, in the United States mails at Fargo, North Dakota, for delivery by the United States Post Office Department as directed on the envelope; that there is regular mail service between the place of mailing and the address as directed on the envelope.



Heather Christ

Subscribed and sworn to before me this 3rd day of January, 2024.





NOTARY PUBLIC
Cass County, North Dakota